

**Transportation Commission of Colorado**  
**Regular Meeting Minutes**  
**April 21, 2016**

**Chairwoman Kathy Connell convened the meeting at 9:05 a.m. at the CDOT Headquarters in Denver.**

PRESENT WERE: Kathy Connell, Chairwoman, District 6  
Shannon Gifford, District 1  
Ed Peterson, District 2  
Gary Reiff, Vice Chair District 3  
Heather Barry, District 4  
Kathy Gilliland, District 5  
Sidny Zink, District 8  
Bill Thiebaut, District 10  
Steven Hofmeister, District 11

EXCUSED:

Kathy Hall, District 7  
Nolan Schriner, District 9

ALSO PRESENT: Shailen Bhatt, Executive Director  
Michael Lewis, Deputy Executive Director  
Josh Laipply, Chief Engineer  
Debra Perkins-Smith, Director of Transportation Development  
Maria Sobota, CFO  
Herman Stockinger, Government Relations Director  
Paul Jesaitis, Region 1 Transportation Director  
Dave Eller, Region 3 Transportation Director  
Johnny Olson, Region 4 Transportation Director  
Mike McVaugh, Region 5 Transportation Director  
Kathy Young, Chief Transportation Counsel  
Scott McDaniel, Staff Services Director  
David Spector, HPTE Director  
Ryan Rice, Operations Division Director  
Mark Imhoff, Director of Transit and Rail  
Vince Rogalski, STAC Chairman  
David Ulane, Director of Aeronautics  
John Cater, FHWA Administrator  
Chris Wedor, Director of Audit Division

AND: Other staff members, organization representatives,  
the public and the news media

An electronic recording of the meeting was made and filed with supporting documents in the Transportation Commission office.

**Audience Participation**

Chairwoman Connell opened the meeting for general public comment.

Chairwoman Connell noted there would be a public comment period for the STIP Draft immediately following the Bridge Enterprise Board of Directors meeting.

Jim Sooby, President of the Colorado Rail Passenger Association spoke to the restoration of the Ski Train. His organization has worked closely with Winter Park and Amtrak to bring the train back to life. The association strongly supports the resolution for the Ski Train.

Gary Defrange, President of the Winter Park resort gave a brief history of the ski train. He stated that a lot of work has gone into restoring the ski train, and are now in a position to do that. The infrastructure is there, the trains are there, and they could start in 2017. Winter Park asks the Commission to support this resolution to bring back the Ski Train.

Happy Haynes, Director of Denver Parks and Recreation echoed the thoughts of Gary and Jim in support of funding the Ski Train. Denver has supported this partnership and looks forward to the Ski Train returning.

### **Executive Director's Report**

Executive Director Bhatt recognized a few new faces in the room, Region 5 RTD Mike McVaugh and Audit Director Chris Wedor. He also thanked Dave Eller and R3 folks for their hard work to re-open I-70 after the rock fall event. Finally he stated that he is proud of the number of projects that have recently opened in the area.

### **Individual Commissioner Comments**

Commissioner Zink attended two TPR's in April. At one, Mike Timlin gave a great presentation about the possibilities of intercity bus service throughout the state. Additionally, she thanked Nancy Shanks for her years of service in the area as communications manager and welcomed Mike McVaugh as new RTD.

Commissioner Peterson has been busy in Region 2. He attended meetings with Jefferson County, and the Jefferson County VFW. He thanked Paul Jestaitis for assisting him at those meetings. Additionally, he thanked Commissioner Barry for setting up the DBE meet and greet.

Commissioner Thiebaut attended the Region 2 Remembrance Day meeting earlier in the month. He appreciated the event and thought that Karen, Maria and John Cater all did a great job at the event and was reminded of the sacrifices employees have made for the state. He also put his thoughts out to Commissioner Schrinier as he recovers from surgery.

Commissioner Gifford noted that she has heard a lot from people involved with the Ski Train, and is excited that this great asset to the state might be returning. She also thanked Commissioner Barry for setting up the DBE meet and greet.

Commissioner Barry gave a report out on the DBE committee meeting. She stated that it was a great opportunity to hear the stories and challenges DBE's face. Additionally, in the month of April, she attended the North I-25 Shoulder Lanes opening.

Commissioner Gilliland stated that she thought the DBE event was robust and exhilarating. She had a very busy month of April. In her district, there was a scenic byways project that was going to be shut down. However thanks to the help of Paul Jesaitis and John Vetterling, the project will go ahead. Additionally she brought up how great the local support has been for the TIGER grant to expand North I-25. Finally, she attended the express lane opening on I-25, and was excited to hear about the traffic improvements the lanes have offered.

Commissioner Reiff thanked Ron Papsdorf for setting up a great trip to Washington DC for him, Chairwoman Connell, and Shailen. He also took a moment to discuss how impressed he has been with the PPSL project. He stated he drove it 6 years ago when the project was proposed, but never imagined it would work and look like it does.

Chairwoman Connell thanked Commissioner Barry for the very successful DBE meet and greet, and gave Dave Eller kudos for opening up I-70 in a prompt fashion after the rock fall event.

### **Chief Engineer's Report**

Chief Engineer Josh Laipply mentioned that the Director of FHWA made it out to the I-25 managed lanes project and discussed a number of freight items in the area. CDOT submitted four FASTLANE grants thanks to staff's hard effort. He believes the grants were very strong and impressive.

### **HPTE Director's Report**

HPTE director David Spector reported that the HPTE retreat was very successful. He also stated that the projects on I-25 are going successfully as well. He noted that on US 36, there has been a 20-29% improvement in speeds since the toll lanes have opened. He then gave an update on the status of the Central 70 and C-470 projects. C-470 has selected a bidder, while Central 70 is still in the bidding process.

### **FHWA Division Administrator Report**

FHWA Division Administrator John Cater spoke about the performance measures from Map21. The final rules have been published for how to follow and take part in this important program. These are the first rules of many that will be coming through. This will help better quantify how transportation is performing throughout the country. Additionally, he mentioned that last week was national work zone safety week. He complemented CDOT for holding their remembrance day events.

### **STAC**

Vince Rogalski updated the commission on STAC's meeting in March. He highlighted that statewide plan process is going through a lessons learned activity. He noted that as the plans progress, they are improving every year thanks to the lessons learned process. He also noted that changes to the STIP go through the regional MPOs and TPR's. Finally, Tony DeVito gave an update on the Central 70 program to STAC.

### **Act on Consent Agenda**

Commissioner Thiebaut complimented staff for their work on the Safe Routes To School Program. He believes this is a great program that benefits the state greatly.

Commission Peterson echoed Commissioner Thiebaut's comments on the Safe Routes to School Program.

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Thiebaut moved for approval of the resolution, and Commissioner Peterson seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

**Resolution #TC-16-4-1**

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for March 17, 2016, are approved.

**Additions to FY 16 Maintenance \$50,000 to \$150,000 (Kyle Lester)**

**Resolution #TC-16-4-2**

**Resolution #TC-16-4-2**

Fiscal Year 2016 over \$50,000 project list approval

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, under Senate Bill 98-148, public projects supervised by the Colorado Department of Transportation (CDOT) are exempt from the requirements of the "Construction Bidding for Public Projects Act;" and

**WHEREAS**, Section 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare cost estimates for projects to be undertaken by CDOT maintenance/traffic crews that exceed \$50 thousand, but are less than or equal to \$150 thousand for submission to the Transportation Commission for review and approval; and

**WHEREAS**, CDOT staff have prepared a cost estimate for these projects to be done in Fiscal Year 2016 as detailed in the memorandum entitled; Region 4 Traffic to FY 16 over \$50,000.00

**WHEREAS**, the funding for this project is contained in the Fiscal Year 2016/17 Budget.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission has reviewed the cost estimate, as contained in the official agenda, and approves CDOT Maintenance Forces undertaking the project therein.

**Region 4 Section 1**

Highway	Begin MP	End MP	Type	Estimate
Hwy 66/US 85	51.2		Signal Build	\$108,181.00
Total – Region 4 Traffic				\$108,181.00

**Region 4 Section 1**

Highway	Begin MP	End MP	Type	Estimate
O7A	8.0	9.0	Overlay	\$120,000.00
Total – Region 4 Section 1				\$120,000.00

Sufficient funds exist within the appropriate MPA's to pursue this project. The project is in accordance with the directive and all other requirements.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

4-21-16  
Date of Approval

**Federal Lands Access Program Applications**  
**Resolution #TC-16-4-3**

CDOT Submittal of Federal Lands Access Program (FLAP) Applications

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, the Federal Lands Access Program (FLAP) was established in 23 U.S.C. 204 to improve transportation facilities that provide access to, are adjacent to, or located within Federal lands; and

**WHEREAS**, the FLAP is a competitive, discretionary program and states, counties, tribes and local governments are eligible applicants; and

**WHEREAS**, the Colorado State Highway System is a critical component of the multimodal transportation system providing access to and through Federal lands; and

**WHEREAS**, a Federal Highway Administration (FHWA) Colorado Programming Decisions Committee is responsible for soliciting FLAP proposals, developing selection criteria, establishing an evaluation process, and selecting projects; and

**WHEREAS**, the FHWA Colorado Programming Decisions Committee announced in February a FLAP call for projects for FY 19 through FY 22 with applications due on May 21, 2016; and

**WHEREAS**, CDOT Regions identified potential candidate projects based on FLAP criteria developed by the FHWA Colorado Programming Decisions Committee; and

**WHEREAS**, a panel of CDOT staff reviewed and evaluated projects to identify those that best met FLAP criteria,

**WHEREAS**, the results of that evaluation included the identification of four state highway projects providing key access to federal lands, demonstrating a high level of need, and strongly supportive of FLAP criteria.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission approves the submittal to the FHWA Colorado Programming Decisions Committee of up to four applications as CDOT's highest priorities consideration of funding under the FLAP, including applications for the following projects:

- US 160 Passing Lanes North of Towaoc
- US 50 Blue Creek Canyon
- US 550 Corridor: CR 218 to CR 302
- SH 139 Little Horse South

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

4-21-16  
Date of Approval

**FY 16 Safe Routes to School Projects**  
**Resolution #TC-16-4-4**

**Resolution # TC-16-4-4**

Approval of the 21 highlighted Safe Routes to School projects.

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, in 2004, C.R.S. 43-1-1604 required the Transportation Commission of Colorado to establish and the Colorado Department of Transportation (CDOT) to administer a Safe Routes to School (SRTS) program to distribute federal funds to eligible projects that enable and encourage children K-8 to bicycle and walk to school; and

**WHEREAS**, in 2015, the Transportation Commission approved through resolution the continuation of the SRTS program by committing to fund the program with \$2 million for infrastructure projects and \$0.5 million for non-infrastructure projects annually, beginning in FY 2016; and

**WHEREAS**, CDOT supports walking and biking as modes of transportation in Colorado; and

**WHEREAS**, Colorado is a national leader in SRTS, funding programs that have reached more than 960 schools statewide since 2005. This is more than 100 schools per year on average and more than 385,000 total Colorado students to date (in addition to parents, teachers, drivers, and community members who are also impacted by SRTS programs); and

**WHEREAS**, the SRTS program has replaced vehicle trips and increased the number of children walking and biking to school by as much as 31% in some schools; and

**WHEREAS**, approximately 95% of schools receiving SRTS funding had significantly increased rates of children walking and biking to school; and

**WHEREAS**, CDOT has awarded more than \$18.2 million in FHWA and state funds from 2005 through 2015 for SRTS program grants; and

**WHEREAS**, Colorado SRTS Advisory Committee was appointed by the CDOT Executive Director as per state statute to represent educators, parents, law enforcement, pedestrians, bicyclists, and transportation advisors to review all applications and to recommend projects for funding; and

**WHEREAS**, the SRTS Advisory Committee selected projects in March 2016 to recommend to the Commission for approval:

**NOW THEREFORE BE IT RESOLVED**, the Commission approves the 21 highlighted projects recommended on the Fiscal Year 2016 Safe Routes to School Project List, dated April 20, 2016

**BE IT FURTHER RESOLVED**, the Commission directs staff to take appropriate steps to amend the STIP, if required, and supplement the budget to be able to proceed with contract development.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

4-21-16  
Date of Approval

**Disposal of a Portion of the Wiggins rest Area**  
**Resolution #TC-16-4-5**

**Resolution #TC-16-4-5**

Disposal of property in Wiggins.

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, CDOT acquired property located at Hwy 34 and I-76 in the City of Wiggins in 1998 for use as a Rest Area and;

**WHEREAS**, a surveyor working for the owner of the truck stop adjacent to the Wiggins I-76 Rest Area discovered gaps and overlaps in the deeds for the truck stop and the Land Survey Plat done for CDOT in 1998 prior to the construction of the rest area and;

**WHEREAS**, CDOT Region 4 ROW reviewed deeds, plats and agreed with boundary line discrepancies that were established by the truck stop's surveyor and;

**WHEREAS**, the detention pond and parking surfaces of the truck stop adjacent to the Wiggins I-76 Rest Area were determined to be encroaching on CDOT property and;

**WHEREAS**, CDOT agreed to have the surveyor prepare a minor subdivision plat for submission to Morgan County that would eliminate the encroachments and;

**WHEREAS**, the subject parcel on the Stub's Minor Subdivision plat consists of 1.15 acres and;

**WHEREAS**, the subject parcel is only a small portion of the entire Wiggins Rest area and;

**WHEREAS**, the adjacent property owner would like to purchase the property to resolve the encroachments at fair market value and;

**WHEREAS**, the Department of Transportation would like to sell the property located at Hwy 34 and I-76 in the City of Wiggins to the adjacent property owner and;

**WHEREAS**, the disposal of the subject property will not affect the operation, maintenance, use or safety of CDOT's facility and;

**WHEREAS**, the Department of Transportation, Region 4 has declared through Joshua Laipply as



Chief Engineer, that property is no longer needed for maintenance of transportation purposes and;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes and;

**WHEREAS**, the Department has determined that the subject property consisting of 1.15 acres has value only to the adjacent owner and;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(III), when a parcel that is no longer needed for transportation purposes and has value to only one adjacent owner, that owner shall have first right of refusal to purchase said property for fair market value and;

**WHEREAS**, the adjacent property owner desires to exercise its first right of refusal to purchase the subject property, which is no longer needed for maintenance or transportation purposes.

**NOW THEREFORE BE IT RESOLVED**, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare the subject property at Hwy 34 and I-76 in Wiggins as excess property and sell the subject property consisting of 1.15 acres, which is no longer needed for maintenance or transportation purposes for fair market value.

**FURTHER**, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

  
Date of Approval

### **Discuss and Act on the 10<sup>th</sup> Budget Supplement of FY 2016**

CFO Maria Sobota introduced the commission to the 10<sup>th</sup> Budget Supplement of 2016 and opened the floor for questions.

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Barry moved for approval of the resolution, and Commissioner Gilliland seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

### **Transit Funding WP Express**

Mark Imhoff brought up the request for Transit Funding for the Winter Park Express. The rail line needs \$3 million for a platform and switches. The improvements would be paid for, 50% by 228 funds, 50% from Union Pacific, Colorado Rail, and Denver.

Commissioner Gifford voiced her support for this program. She stated the ski train serves a huge role in the country and locally. Additionally, it spares some traffic from I-70.

Commissioner Reiff and Commissioner Gilliland echoed their support for the project, and thanked those who came to speak on its behalf.

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Peterson moved for approval of the resolution, and Commissioner Barry seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

**Resolution #TC-16-4-7**

**Resolution # TC-16-4-7**

Approve the Winter Park Express Platform Project Utilizing SB 228 Transit Funds

**Approved by the Transportation Commission on April 21, 2016**

**Whereas**, SB 228 funds have been allocated to CDOT for FY 2016, and at least 10% are to be used for transit projects; and

**Whereas**, the Transportation Commission supports the multimodal development of the State's transportation system, and the reduction of auto trips on I-70 and US 40 (Berthoud Pass); and

**Whereas**, the Division of Transit & Rail is developing a recommended list of SB 228 transit projects for Transportation Commission consideration later this summer; and

**Whereas**, Winter Park Resorts (WPR) has negotiated agreements between WPR, Amtrak and the Union Pacific Railroad to reinstate ski train service (Winter Park Express) for the 2016-17 ski season; and

**Whereas**, the Union Pacific Railroad has set forth passenger platform, safety and railroad operational improvements required to allow Winter Park Express service; and

**Whereas**, WPR has defined a \$3M construction project for the summer of 2016 and requested \$1.5M in SB 228 funds.

**NOW THEREFORE BE IT RESOLVED**, the Commission approves a \$1.5M grant utilizing SB 228 transit funds, in advance of the full SB 228 transit project recommendations, in order to allow WPR to construct the Winter Park Express platform and related railroad elements over the summer of 2016.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

  
\_\_\_\_\_  
Date of Approval

**First Amendment to PPSL IAA**

David Spector stated this IAA was created to update and reflect consistency with the loan agreement. Mr. Spector opened the floor for questions.

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Gilliland moved for approval of the resolution, and Commissioner Gifford seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

### **Federal Discretionary Grant**

Herman Stockinger gave an update on the TIGER grant that has been applied for for the north I-25 project. The project breaks down to \$100 million for state funds, \$20 million for federal funds, and \$5 million of 228 funds. Receiving the TIGER grant would close this gap. He went on to demonstrate that there is strong local support for this project, as many municipalities have committed money.

Commissioner Thiebaut thanked Herman and his staff for their efforts. He encouraged staff to keep looking at the Lamar reliever route as there is large local support for that project.

Commissioner Gilliland appreciates the people up north for stepping up to help make this project a reality.

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Gilliland moved for approval of the resolution, and Commissioner Thiebaut seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

### **Resolution #TC-16-4-8**

**Resolution # TC-16-4-8**

Approving the First Amendment to Intra-Agency Agreement between CDOT and HPTE for the I-70 Peak Period Shoulder Lane (Mountain Express Lane) Project.

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, the Transportation Commission is responsible, pursuant to Section 43-1-106(8), C.R.S., for formulating the general policy with respect to the management, construction and maintenance of public highways and other transportation systems in the State; and

**WHEREAS**, the General Assembly created the Colorado High Performance Transportation Enterprise ("HPTE"), pursuant to Section 43-4-806, C.R.S., as a government-owned business within CDOT to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS**, HPTE, in partnership with CDOT, completed and is operating the I-70 Mountain Express Lane Project, formerly known as the I-70 Peak Period Shoulder Lane Project (the "Project") over a 13 mile segment of eastbound I-70 through the I-70 Mountain Corridor; and

**WHEREAS**, by Resolution #TC-3216, dated December 19, 2014, the Transportation Commission previously approved the HPTE I-70 PPSL Project Intra-Agency Agreement (the "Agreement") between CDOT and HPTE regarding the Project; and

**WHEREAS**, CDOT and HPTE now desire to further define the allocation of costs and responsibilities for operations and maintenance of the Project, as well as set forth invoicing and payment procedures not described in the original Agreement.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the First Amendment to the I-70 PPSL Project Intra-Agency Agreement between CDOT and HPTE and authorizes CDOT's Executive Director to sign the First Amendment on behalf of CDOT.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

4-21-16  
Date

**Adjournment**

Chairwoman Connell closed the January Transportation Commission meeting at 2:18 p.m.